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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|------------------------|-----------------------------------|------------------|
| 10/536,830 | 06/13/2005 | Johannes-Theodor Menke | KKRT-00101-NUS | 6635 |
| 33794 | 7590 | 03/13/2007 | | |
| MATTHIAS SCHOLL 14781 MEMORIAL DRIVE SUITE 1319 HOUSTON, TX 77079 | | | EXAMINER ESTREMSKY, GARY WAYNE | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3676 | |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | NOTIFICATION DATE | DELIVERY MODE | |
| 3 MONTHS | | 03/13/2007 | ELECTRONIC | |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/13/2007.

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Office Action Summary

Application No.

10/536,830

Applicant(s)

MENKE ET AL.

Examiner

Gary Estremsky

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The copy of drawings submitted by the International Bureau have no non-English writings and are acceptable for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 17 is rejected under 35 U.S.C. 112, first and second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. 'As best understood', the claimed invention has not been adequately disclosed as it is now claimed to allow one of ordinary skill in the art to make and use the invention.

It's not clear if the "additional assembly" carries out the latch functions or the latch which 'as best understood', is separate from the additional assembly as it is claimed. Clarifying remarks are required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 7, 14, 15, and 21-23 are rejected under 35 U.S.C. 102(e) as being.

anticipated by U.S. Pat. Application Publication No. 2002/0095870 to Praud.

Praud '870 teaches Applicant's claim limitations including : a "vehicle door latch" - 7, a "housing of said vehicle door latch" – as shown in Fig 7 for example, at least one "additional assembly" – including 1 and 5 at least, "directly connected to" – 7 is directly connected to 1 as shown and described.

As regards claims 7 and 23, broad limitation of "additional assembly" is anticipated by combination of parts including 5 and 9, and where limitation of "seat" does not patentably distinguish from latch housing structure contacting 9.

As regards claim 15, basic latching and locking functions that one of ordinary skill in the art would consider to be inherent to the latch of the reference anticipate limitation.

As regards claim 21, "connection" is broad enough to include intermediate elements forming a connection and has not patentably distinguished from the prior art. Alternatively, limitation of "housing" is broad enough to include elements 701,703,705. in either case, broad limitation has not patentably distinguished from structure of the prior art.

Art Unit: 3676

As regards claim 22 instead of combination of parts including 1 and 5 (identified above with respect to claim 1) anticipating "additional assembly" limitation, the handle's rod assembly anticipates broad limitation and where it also anticipates claim 22 limitation of "control unit for the door latch".

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-6, 8-11, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. Application Publication No. 2002/0095870 to Praud in view of U.S. Pat. No. 6,109,674 to Bartel.

Although Praud '674 does not disclose details of the latch's housing configuration, it is well known in the art to provide a latch with a three part housing and cover as illustrated by Bartel '674. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the assembly of Praud '674 to include a latch having details disclosed by Bartel '674 in order to interconnect the elements of the latch and hold them in such a manner that a long service life is insured and manufacture is easy.

Art Unit: 3676

As regards claim, 19, broad limitation of "axial support" is anticipated by any surface of the housing that might be relied upon to provide support along an axis, for example, left-most end surface as shown on the face of the Patent.

As regards claims 10 and 11, even though Bartel '674 does not disclose details of the plastic material, it would have been an obvious choice for one of ordinary skill in the art to choose "polybutylene terephthalate" with or without 30 volume percent of fiberglass where it's well known that more or less fiberglass provides the finished composite plastic with material properties more or less similar to that of glass and/or less or more similar to the matrix material. Otherwise, it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

5. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. Application Publication No. 2002/0095870 to Praud in view of U.S. Pat. No. 6,145,354 to Kondo and U.S. Pat. No. 6,449,907 to Nishikawa.

Although Praud '870 does not disclose the door latch/lock being electric, Kondo '354 discloses that it is well known in the art to provide door latches with electric power operated latching/locking features. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the door subassembly of Praud '870 with an electric door lock as taught by Kondo '354 in order to take advantage of the several power-driven latching/locking features disclosed therein.

Art Unit: 3676

Regardless, Praud '870, as modified does not disclose a "common control unit is provided for electrically controlling said vehicle door latch and said additional assembly", the reference does disclose the additional assembly including a window regulator mechanism. Nishikawa '907 discloses that it is well known in the art to provide a "common control unit" (40) for controlling an electric lock and power window regulator. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the door subassembly of Praud '870, as modified with a common control unit as taught by Nishikawa '907 in order to place the controls at a single, convenient location. As regards claim 13, unit 40 of Kondo '354, as relied upon reads on broad limitation of "control board" in that it is shown to be of generally planar geometry.

6. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. Application Publication No. 2002/0095870 to Praud in view of U.S. Pat. No. 6,145,354 to Kondo and U.S. Pat. No. 6,449,907 to Nishikawa.

Although Praud '870 discloses the assembly to include a mechanism for lifting windows, the reference does not disclose the door latch/lock being electric. Kondo '354 discloses that it is well known in the art to provide door latches with electric power operated latching/locking features. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the door subassembly of Praud '870 with an electric door lock as taught by Kondo '354 in order to take advantage of the several power-driven latching/locking features disclosed therein.

Art Unit: 3676

One of ordinary skill in the art would recognize that the electric central and double locking of Kondo '354, as relied upon, can be carried out concurrently while electric opening and closing will be performed at different times.

Response to Arguments

As regards claims' numbering, a copy of 'amended' claims, date-stamped 5/28/05 and re-numbered by OIPE consecutively was relied upon during the examination which resulted in the Office action mailed on 11/01/06. Assumably, those claims were received with the Application and treated as *the* original claims for *this* Application, and therefore re-numbered (prior to the Application being forwarded to examiner) to be consecutive as required. See 37 CFR 1.126 as regards claim numbering.

Otherwise, Applicant's arguments have been fully considered but are moot in view of the new grounds of rejection. Of primary issue, it is examiner's position that broad and generic recitation of "additional assembly" has not patentably distinguished from well known structures of the prior art.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

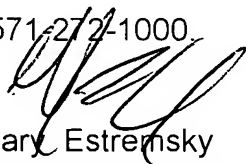
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Estremsky whose telephone number is 571 272-7055. The examiner can normally be reached on M-Thur 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3676

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gary Estremsky
Primary Examiner
Art Unit 3676